

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	2:04-cr-205-GEB
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
THA BUN HENG, CHHOM MAO, and)	
CLEVIE EARL BUCKLEY, JR.,)	
)	
Defendants.)	
_____)	

On November 21, 2006, Defendant Tha Heng filed a motion in limine to exclude evidence of his alleged gang membership. The government responded "that it does not intend to introduce any evidence of defendant Heng's gang affiliation in its case in chief[,]" but "reserves the right . . . to introduce such evidence in rebuttal should the evidence become relevant." (Govt's Resp. To Def. Heng's Mot. In Limine at 1.) The government's response reveals the portion of this motion concerning the government's case-in-chief is now moot,

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1 and to the extent it concerns a later phase of the trial, it is not
2 ripe for a ruling now.

3 IT IS SO ORDERED.

4 DATED: November 30, 2006

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6 GARLAND E. BURRELL, JR.
7 United States District Judge
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